

6/14/04

(R)

2682



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Xybernaut Corporation
Serial Number : 09/858,082
Filing Date : May 15, 2001
For : Personal Communicator
Examiner/Art Unit : Temica M. Davis/2681

3/A
smc
6/29/04
(NE)

Under Secretary of Commerce for Intellectual Property and Director
of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

Sir:

This is in response to the Office Action mailed May 10, 2004. Please make the
following amendments:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): XYBERNAUT CORPORATION

Docket No.

X0105A

Serial No.

09/858,082

Filing Date

5/15/01

Examiner

TEMICA M. DAVIS

Group Art Unit

2681

PERSONAL COMMUNICATOR

Invention

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I hereby certify that the following correspondence:

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AMENDMENT

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

JUNE 11, 2004
(Date)

JAMES J. RALABATE

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

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| | |
|---|-----------------------------|
| AMENDMENT TRANSMITTAL LETTER (Small Entity) Applicant(s): XYBERNAUT CORPORATION | Docket No. X0105A |
|---|-----------------------------|

| | | | |
|--------------------------|------------------------|-----------------------------|------------------------|
| Serial No. 09/858,082 | Filing Date 5/15/01 | Examiner TEMICA M. DAVIS | Group Art Unit 2681 |
|--------------------------|------------------------|-----------------------------|------------------------|

| | |
|---|---|
| Invention: PERSONAL COMMUNICATOR | <div style="font-size: 2em; font-weight: bold;">RECEIVED</div> <div style="font-weight: bold;">JUN 2 1 2004</div> |
|---|---|

TO THE COMMISSIONER FOR PATENTS:

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Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.

☐ A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED | | | | | |
|--|-------------------------------------|-----------------------------|--------------------------------|---------|-------------------|
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
| TOTAL CLAIMS | - | 20 = | 0 x | \$9.00 | \$0.00 |
| INDEP. CLAIMS | - | 3 = | 0 x | \$43.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 |

☒ No additional fee is required for amendment.

☐ Please charge Deposit Account No. _____ in the amount of _____

☐ A check in the amount of _____ to cover the filing fee is enclosed.

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-0080

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☐ Any patent application processing fees under 37 CFR 1.17.

| | |
|---|-----------------------------|
| <div style="text-align: center;"> <i>Signature</i> </div> <p>JAMES J. RALABATE, REG. NO. 19,211 ATTORNEY FOR APPLICANT 5792 MAIN STREET WILLIAMSVILLE NY 14221</p> | Dated: JUNE 11, 2004 |
|---|-----------------------------|

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